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RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2800

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named

Inventor : Jason P. Brenden

Appln. No. : 10/619,802

Filed : July 15, 2003

Title : VOICE COIL MOTOR POWER AMPLIFIER

Docket No. : V44.12-0155

Group Art Unit: 2816

Examiner:
Wells, Kenneth B.

RESPONSE AFTER FINAL

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Commissioner For Patents

P.O. Box 1450

Alexandria, VA 22313-1450

SENT VIA EXPRESS MAIL

Express Mail No.: EV 302258802 US

This is in response to the Office Action mailed on January 25, 2005. Pending in the present application were claims 1-11 and 13-23. The Office Action allowed claims 1-9 and 23; objected to claims 14-21 as being dependent upon a rejected base claim; and rejected claims 10, 11, 13 and 22 as being anticipated by the prior art. Applicant believes the present application containing claims 1-11 and 13-23 is in condition for allowance, and respectfully requests reconsideration and notice to that effect.

Applicant acknowledges a phone conference between its counsel, Dina M. Khaled and Examiner Kenneth B. Wells and on Friday, February 25, 2005. Applicant argued that claim 10 was patentable over the cited prior art, but nevertheless proposed an amendment of claim 10. Examiner Wells did not consider the amendment because the last Office Action was made final and such amendment would necessarily require a new search. Rather, Examiner Wells suggested that Applicant file a Response to the Office Action putting forth its arguments for patentability of the claims. This Response follows.



O I P E FEE TRANSMITTAL

Complete if Known

| | |
|----------------------|-------------------|
| Application No. | 10/619,802 |
| Filing Date | July 15, 2003 |
| First Named Inventor | Jason P. Brenden |
| Group Art Unit | 2816 |
| Examiner Name | Wells, Kenneth B. |
| Atty. Docket Number | V44.12-0155 |

Total Amount of Payment \$0.00

METHOD OF PAYMENT (Check One)

1. ☒ The Commissioner is hereby authorized to charge any additional fee required under 37 C.F.R. 1.16 and 1.17 and credit any over payments to Deposit Account No. 11-0982. Deposit Account Name: Kinney & Lange, P.A. A duplicate copy of this communication is enclosed

2. ☐ Check Enclosed

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description |
|-----------------------------|-----------------------------|-----------------------------|-----------------------------|---|
| 1001 | 770 | 2001 | 385 | <input type="checkbox"/> Utility Filing Fee |
| 1002 | 340 | 2002 | 170 | <input type="checkbox"/> Design Filing Fee |
| 1004 | 770 | 2004 | 385 | <input type="checkbox"/> Reissue Filing Fee |
| 1005 | 160 | 2005 | 80 | <input type="checkbox"/> Prov. Filing Fee |

Subtotal (1) \$0.00

2. EXTRA CLAIM FEES

| | Number Claims | Prior** | Extra | Fee from Below | Fee Paid |
|---------------------------|------------------|---------|-------|-------------------|----------|
| Total | 22 | - | 22 | = 0 x * | = * |
| Indep. | 3 | - | 3 | = 0 x * | = * |
| Multiple Dependent Claims | | | | = * | = * |

**Insert 3 and 20, or number previously paid if greater; Reissue see below

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Description |
|-----------------------------|-----------------------------|-----------------------------|-----------------------------|---|
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 86 | 2201 | 43 | Independent claims in excess of 3 |
| 1203 | 290 | 2203 | 145 | Multiple Dependent Claim |
| 1204 | 86 | 2204 | 43 | Reissue Independent Claims Over Original Patent |
| 1205 | 18 | 2205 | 9 | Reissue claims in excess of 20 and over original patent |

FEE CALCULATION (Continued)

3. ADDITIONAL FEES

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description | Fee paid |
|-----------------------------|-----------------------------|-----------------------------|-----------------------------|--|----------|
| 1051 | 130 | 2051 | 65 | Surcharge - Late filing fee or oath | * |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | * |
| 1053 | 130 | 1053 | 130 | Non-English specification | * |
| 1812 | 2,520 | 1812 | 2,520 | For Filing a Request for Reexamination | * |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | * |
| 1252 | 420 | 2252 | 210 | Extension for reply within second month | * |
| 1253 | 950 | 2253 | 475 | Extension for reply within third month | * |
| 1254 | 1,480 | 2254 | 740 | Extension for reply within fourth month | * |
| 1255 | 2,010 | 2255 | 1,005 | Extension for reply within fifth month | * |
| 1402 | 330 | 2402 | 165 | Filing a brief in support of an appeal | * |
| 1403 | 290 | 2403 | 145 | Request for oral hearing | * |
| 1814 | 110 | 2814 | 55 | Terminal Disclaimer Fee | * |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | * |
| 1453 | 1,330 | 2453 | 665 | Petition to revive - unintentional | * |
| 1501 | 1,330 | 2501 | 665 | Utility/Reissue issue fee | * |
| 1502 | 480 | 2502 | 240 | Design issue fee | * |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | * |
| 1807 | 50 | 1807 | 50 | Petitions related to provisional applications | * |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Statement | * |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | * |
| 1801 | 770 | 2801 | 385 | Request for Continued Examination (RCE) | * |
| Other fee (specify) _____ | | | | | * |

Subtotal (3) \$0.00

Signature

Dina M. Khaled

Reg. No.

52,761

Date

3/25/2005

Deposit Account No.

11-0982

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EXPRESS MAIL COVER SHEET

Commissioner For Patents
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The following papers are being transmitted via **EXPRESS MAIL** to the U.S. Patent and Trademark Office on the date shown below:

1. Response After Final;
2. Fee Transmittal (in duplicate); and
3. Return receipt postcard.

Respectfully submitted,

KINNEY & LANGE, P.A.

Date: 3/25/2005

By


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